



Legislative Bulletin.....September 10, 2003

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H.R. 2595—To restore the operation of the Native American Veteran Housing Loan Program during fiscal year 2003 to the scope of that program as in effect on September 30, 2002 (Smith of New Jersey)

Order of Business: The bill is scheduled for consideration on Wednesday, September 10, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2595 requires the Secretary of Veterans Affairs to disregard language included in the fiscal year 2003 Veterans Affairs and Housing and Urban Development (VA-HUD) appropriations bill when carrying out the Native American Veteran Direct Loan Program (NADL). The NADL is a pilot program that began in 1993 to provide direct home loans to Native American veterans living on trust lands. The program is scheduled to expire on December 31, 2005. Language in the FY 2003 VA-HUD bill (Public Law 108-7) prohibits the Department of Veterans Affairs (VA) from making new loans in excess of \$5 million. On June 11, the VA notified Congress that they had to cease making NADL loans because this limit had been exceeded.

H.R. 2595 also ratifies any home loans acted upon by the VA while the VA-HUD appropriations limitation was in effect.

Additional Background: No cap on new loans was included in the FY 2002 VA-HUD appropriations bill or in any other prior legislation. For FY 2003, the NADL was provided \$558,000 for administrative expenses, an increase from \$544,000 in FY 2002.

According to the VA, the loan limit was imposed because in FY 2003 the NADL program had a negative subsidy rate, which required a legislative loan level ceiling. Since past year loan obligations averaged \$3.6 million, the ceiling was set at \$5 million. However, lower interest rates led to greater refinancing than in past years and to an increase in origination loans.

Committee Action: H.R. 2595 was introduced on June 25, 2003, and referred to the Committee on Veterans' Affairs. The Committee approved the bill by voice vote on June 26.

Cost to Taxpayers: According to the Congressional Budget Office, H.R. 2595 would, because of the negative subsidy rate, reduce direct spending by \$1 million in FY 2003.

Does the Bill Create New Federal Programs or Rules?: No.

Constitutional Authority: The Committee on Veterans' Affairs, in House Report 108-197, cites Article I, Section 8 ("common Defense and general Welfare").

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H. R. 2433— Health Care for Veterans of Project 112/Project SHAD Act of 2003 (*Rodriguez*)

Order of Business: The bill is scheduled to be considered on Wednesday, September 10, 2003, under a motion to suspend the rules and pass the bill.

Summary: H.R. 2433 would increase access to VA hospital care, medical services, and nursing home care for veterans who participated in certain chemical and biological warfare tests while on active duty. The bill would allow 5,842 servicemen identified as having been present in one or more of the tests conducted by the DOD at Deseret Test Center from 1962 through 1973, priority access for VA health services, without requiring medical evidence that any illnesses are attributable to such testing.

In addition to striking the provision requiring nurses to have a baccalaureate degree to be promoted to higher pay grades (38 U.S.C. 7403), **H.R. 2433 amends current law to permit VA health care personnel to engage in collective bargaining (aka union activity) regarding promotions.** The bill specifically notwithstanding a VA provision that currently blocks collective bargaining from covering 1) professional conduct or competence, 2) peer review, or 3) the establishment, determination, or adjustment of employee compensation. In other words, under H.R. 2433, these three areas will now be allowable areas for union negotiation regarding promotions for VA health care personnel.

H.R. 2433 would require the VA to pay certain health care workers time and a quarter for each hour worked on a Saturday (Note: this is not overtime pay but just a different pay rate for working on Saturday). The bill does this by instructing the VA to consider nurses working on Saturday to receive the same pay as nurses working on Saturday during a tour of duty. The bill also allows Veterans' Canteen Service employees to be considered for appointment in VA positions in the competitive service, just as VA employees in the competitive service are considered for transfer to a Canteen Service position.

Additional Information: According to the Committee, at the Deseret Test Center, Project 112 worked to identify U.S. military personnel and warship vulnerabilities to chemical, nuclear, and biological attacks. Some tests were planned in the Project 112/Operation SHAD series involving the actual use of sarin, VX, tularemia, anthrax, and other possibly dangerous agents. The results of the testing program were used to develop defense mechanisms against enemies' potential use of biological, chemical, or nuclear weapons. Tests were conducted on the open sea in the North Atlantic, open water locations of the Pacific Ocean and near the Marshall Islands, Hawaii, Baker Island, Puerto Rico and the California coast. Land-based tests were conducted in the states of Alaska, Hawaii, Maryland, Florida, Utah, and Georgia. All Project 112 test fact sheets are available to the public on the Deployment Health Support Directorate Web site: http://deploymentlink.osd.mil/current_issues/shad/shad_intro.shtml

Committee Action: The bill was introduced on June 11, 2003, referred to the House Committee on Veterans' Affairs, and reported favorably by voice vote on June 26, 2003.

Cost to Taxpayers: CBO estimates that implementing the bill would cost \$1 million in 2004 and \$8 million over the 2004-2008 period, subject to appropriations.

The estimate does not include the costs of the provision that would require VA to pay certain health care workers a premium for working on Saturday because CBO cannot estimate the costs at this time. The Committee notes that these workers are already receiving premium pay for working on Sunday, but the VA has not yet been able to provide information about the amount of premium pay it currently pays for Saturday and Sunday work.

Constitutional Authority: The Veterans Affairs Committee Report Number 108-203 finds authority under Article I, section 8 (power to “provide for the common Defense and general Welfare of the United States”), but does not cite a specific clause.

Does the Bill Create New Federal Programs or Rules?: The bill modifies certain provision dealing with VA health care personnel and creates a new expedited process for veterans who may have been affected by tests done by the DOD, as part of a classified project between 1962 and 1973.

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H. R. 978— To amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes (Davis, Jo Ann)

Order of Business: The bill is scheduled to be considered on Wednesday, September 10, 2003, under a motion to suspend the rules and pass the bill.

Summary: H.R. 978 amends the Federal Employees' Retirement System annuity computation (5 U.S.C. 8415) to include a new provision that if a federal employee has at least two months of credit for performing civilian military service with disability compensation or is receiving disability compensation alone, then his or her applicable percentage for that period shall be increased by one percentage point.

Committee Action: The bill was introduced on February 27, 2003, referred to the House Committee on Government Reform. The Committee did not consider the bill.

Cost to Taxpayers: A CBO cost estimate is unavailable.

Constitutional Authority: A Committee Report citing constitutional authority is unavailable.

Does the Bill Create New Federal Programs or Rules?: The bill amends current law to increase the Federal Employees' Retirement System annuity computation for people meeting certain conditions.

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H.Res. 315—Congratulating Rafael Palmeiro of the Texas Rangers for hitting 500 major league home runs and thanking him for being a role model for the Cuban American community, as well as for all Americans (Sessions)

Order of Business: The resolution is scheduled for consideration on Wednesday, September 10, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 315 resolves that the House “congratulates Rafael Palmeiro of the Texas Rangers for hitting 500 major league home runs and thanks him for being a role model for the Cuban American community, and all Americans, and for inspiring all Americans to persevere and work hard to achieve their dreams.”

Additional Background: According to the resolution, Rafael Palmeiro hit the 500th home run of his career on May 11, 2003 at The Ballpark in Arlington, Texas, becoming only the

19th player in baseball history to accomplish such an achievement. Palmeiro fled Havana, Cuba with his family in 1971 and has been playing professional baseball for 17 years.

Committee Action: The resolution was introduced on July 9, 2003, and referred to the Committee on Government Reform. The Committee approved H.Res. 315 by voice vote on July 24.

Cost to Taxpayers: The resolution authorizes no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

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H.Res. 266—Commending the Clemson University Tigers men’s golf team for winning the 2003 National Collegiate Athletic Association Division I Men’s Golf Championship (Barrett)

Order of Business: The resolution is scheduled for consideration on Wednesday, September 10, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 266 resolves that the House:

- “(1) commends the Clemson University Tigers for winning the 2003 National Collegiate Athletic Association Division I Men's Golf Championship;
- “(2) recognizes the achievements of all the team's players, coaches, and staff and invites them to the United States Capitol Building to be honored in an appropriate manner;
- “(3) requests that the President recognize the team's accomplishments and invite the team to the White House for a ceremony in honor of their National Championship; and
- “(4) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Clemson University for appropriate display and to transmit an enrolled copy of this resolution to each coach and member of the 2003 NCAA Division I Men's Golf Championship team from Clemson University.”

Additional Background: According to the resolution, on Friday, May 30, 2003, the Clemson University Tigers men's golf team won the 2003 NCAA Division I Men's Golf Championship, the first National Championship for the Clemson men's golf team.

Committee Action: The resolution was introduced on June 10, 2003, and referred to the Committee on Education and the Workforce. The Committee did not consider the bill.

Cost to Taxpayers: Although no official cost estimate is available, the resolution would only result in a minimal expenditure by the Clerk of the House from existing appropriations for copies of the resolution.

Does the Bill Create New Federal Programs or Rules?: No.

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H.Res. 359—Welcoming his Holiness the Fourteenth Dalai Lama and recognizing his commitment to non-violence, human rights, freedom, and democracy (*Rothman*)

Order of Business: The resolution is scheduled for consideration on Wednesday, September 10, under a motion to suspend the rules and pass the bill.

Summary: H.Res. 359 expresses the sense of the House that:

“(1) the visit of the Dalai Lama to the United States in September 2003 is warmly welcomed;

“(2) the Dalai Lama should be recognized and congratulated for his consistent efforts to promote dialogue to peacefully resolve the Tibet issue and to increase the religious and cultural autonomy of the Tibetan people; and

“(3) all parties to the current discussions should be encouraged by the Government of the United States to deepen these contacts in order to achieve the aspirations of the people of Tibet for genuine autonomy and basic human rights.”

Additional Background: His Holiness the 14th the Dalai Lama Tenzin Gyatso is the head of state and spiritual leader of the Tibetan people. The Dalai Lama assumed full political power (head of the State and Government) on November 17, 1950. Since the Tibetan National Uprising against China in 1959, the Dalai Lama has lived in exile in India operating a Government-in-Exile. The Dalai Lama was awarded the Nobel Peace Prize in 1989.

According to the resolution, for over 40 years in exile, the Dalai Lama has “used his position and leadership to promote compassion and non-violence as a solution to not only the present crisis in Tibet, but to other long-running conflicts around the world” and “has been a strong voice for the basic human rights of all peoples, particularly freedom of religion.”

Committee Action: The resolution was introduced on September 9, 2003, and referred to the Committee on International Relations. The Committee did not consider the bill.

Cost to Taxpayers: The resolution authorizes no expenditure.

Does the Bill Create New Federal Programs or Rules?: No.

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